IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 34 OF 2005

1. Smt. Sunanda Wd/o Ramakant
Desai and ors. .. Petitioners

Vs.

Shri Ghesubhai Jain .. Respondent

Mr. A.A. Kocharekar for Petitioners.

CORAM: B.H. MARLAPALLE, J.

Date : June 27, 2005.

P.C.:

1. The learned counsel for the petitioners states that Appeal No.211 of 2004 has already been decided by a Division Bench of two Learned Judges, namely, Shri A.B. Dongare and Shri A.M. Tamboli on 21/6/2005 and, therefore, he concedes that this application survives only for prayer clause (b).

2. Pursuant to the orders passed by me on 13/6/2005, the SID Branch of this court has placed before me the record and it is noticed that the departmental enquiry has already been instituted and another learned Judge from the cadre of District Judges has been appointed as an Inquiry Officer. The said inquiry proceedings are against Mr. B.B. Nangare, the Addl. Chief, Small Causes Court at

Mumbai. On the face of these developments and perhaps on the complaints lodged by the petitioners or any one of them, it would be appropriate that the request of the petitioners as set out in prayer clause (b) should be considered afresh by the learned Chief Judge of the Small Causes Court at Mumbai.

3. It is, therefore, directed that if the petitioners apply afresh to the learned Chief Judge of the Small Causes Court at Mumbai and set out the prayer for the relief in terms of prayer clause (b) in this application, the said application shall be heard and decided by the learned Chief Judge taking into consideration the present pending inquiry proceedings and pass an appropriate order within a period of two weeks from its presentation, provided that the application is presented within one week from today.

4. The Misc. Civil Application is disposed off in terms of the above directions.

(B.H. Marlapalle,J.)